

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

WILLIE EARL ELLIS,  
INMATE-CALHOUN COUNTY JAIL,

Plaintiff,

v.

RAYMOND CANTRELL, ET AL.,

Defendants.

ENTERED

FEB 11 1999

CIVIL ACTION NO. 98-AR-2244-E

MEMORANDUM OPINION

On January 19, 1999 the magistrate judge's findings and recommendation was filed in which the magistrate judge concluded that plaintiff's § 1983 complaint failed to state a constitutional claim.

On February 4, 1999 plaintiff filed a response to the findings and recommendation which is construed as objections. In the objections, plaintiff alleges that he intended to file this action pursuant to the Federal Tort Claims Act (herein "FTCA") for the torts of "(1) abuse of process, (2) conspiracy, (3) coercion of official behavior, (4) malicious prosecution, and (5) police misconduct in connection with the arrest and release of plaintiff." The FTCA, 28 U.S.C. § 2671 *et seq.*, allows a plaintiff to file an action against the United States for the torts of federal employees.

Plaintiff has not alleged that any of the torts he attempts to complain of were committed by federal employees. Moreover, named defendants are all state employees or private individuals. Plaintiff's remedy, if any, is in state court. The objection is due to be OVERRULED inasmuch as plaintiff could not state a claim pursuant to the FTCA.

A final judgment consistent with this memorandum opinion will be entered contemporaneously herewith.

DONE this the 11<sup>th</sup> day of February, 1999.

A handwritten signature in black ink, appearing to read "WMA", is written over a horizontal line.

WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE